



PRESENT:

Mr. Daniel A. Gecker, Chairman
Mr. Sherman W. Litton, Vice-Chairman
Mr. Phillip G. Cunningham
Mr. Russell J. Gulley
Mr. Ronald K. Stack
Mr. Thomas E. Jacobson, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Kirkland A. Turner, Development Manager,
Community Development
Mr. William D. Poole, Assistant Director,
Development Review, Planning Department
Mr. Glenn E. Larson, Assistant Director, Plans and Information
Section, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects, Planning Department
Mr. Robert V. Clay, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Jane Peterson, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Darla W. Orr, Senior Planner, Zoning and
Special Projects, Planning Department
Mr. Theodor Barclay, Code Enforcement Supervisor,
Code Enforcement Branch, Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review, Planning Department
Mr. Jeffrey H. Lamson, Senior Planner, Development
Review, Planning Department
Mr. David A. Hainley, Planning Administrator,
Development Review, Planning Department

Ms. Barbara Fassett, Planning Administrator, Advance Planning

and Research Branch, Planning Department
 Mr. Steven F. Haasch, Planner, Advance Planning and
 Research Branch, Planning Department
 Ms. Linda N. Lewis, Administrative Secretary, Administrative
 Branch, Planning Department
 Ms. Deanna D. Harkabus, Secretary, Administrative
 Branch, Planning Department
 Mr. Jeffrey L. Mincks, Deputy County Attorney,
 County Attorney's Office
 Mr. David W. Robinson, Assistant County Attorney,
 County Attorney's Office
 Mr. Allan M. Carmody, Budget Manager,
 Budget and Management Department
 Mr. Richard M. McElfish, Director,
 Environmental Engineering Department
 Ms. Joan Salvati, Water Quality Administrator,
 Environmental Engineering Department
 Mr. Douglas Pritchard, Jr., Engineering Supervisor,
 Environmental Engineering Department
 Mr. Randolph Phelps, Senior Engineer,
 Utilities Department
 Ms. Jennifer Wampler, Planner, Parks Maintenance Division,
 Parks and Recreation Department
 Assistant Fire Marshal Steve Hall, Fire and Life Safety,
 Fire Department
 Ms. Cynthia Owens-Bailey, Director of Planning,
 School Administration

WORK SESSION

At approximately 12:00 p. m., Messrs. Gecker, Litton, Cunningham, Gulley, Stack and staff met in the Executive Session Meeting Room, Chesterfield County Administration Building for lunch and a work session to discuss the following:

- A. Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.**
- B. Review Day's Agenda.**
 (NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)
- C. Plans and Information Section Projects Update.**
- D. Work Program – Review and Update.**
- E. Discussion Relative to:**
 - ◆ **Chesapeake Bay Ordinance Amendments Update.**
 - ◆ **Construction Runoff Pollution Update.**

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. REVIEW DAY'S AGENDA.

Prior to Mr. Allen's presentation of the Afternoon Session requests, Mr. Litton indicated that he had a conflict of interest relative to, and would not participate in the discussion of, Case 03PS0231, The Breeden Company (Woodlake Commons Shopping Center), pursuant to the Virginia Conflict of Interest Act.

Mr. Allen updated the Commission as to the status of, and staff's recommendations for, the requests to be considered during the Afternoon Session, as well as the proposed Code Amendment relating to the creation of new County-wide standards for landscaping and new standards for landscaped setbacks along portions of Routes 360 and 10.

Ms. Rogers updated the Commission as to the status of, and staff's recommendations for, the upcoming zoning requests to be considered during the Evening Session, as well as pending caseloads for upcoming months.

Mr. Barclay updated the Commission as to the status of, and staff's recommendation for, the proposed Code Amendments relating to replacement of nonconforming manufactured homes.

C. PLANS AND INFORMATION SECTION PROJECTS UPDATE.

Mr. Larson updated the Commission as to the status of the proposed Code Amendment relating to Planning Fees, noting the Amendment was scheduled for public hearing by the Board of Supervisors on March 26, 2003. He also noted a citizens meeting was scheduled on March 27, 2003, at 7:00 p. m., at Swift Creek Middle School regarding the proposed Western Route 360 Corridor Plan.

D. WORK PROGRAM.

There was discussion relative to the status of ongoing Work Program projects (i.e., Guidelines for Review of Substantial Accord Determination and/or Zoning Approval for Communications Tower Locations and Residential Density Calculation), as well as the addition of a new project to the Work Program regarding an Amendment to the Subdivision/Zoning Ordinances to Legalize Existing Lots in Violation of the Subdivision Ordinance.

Upon conclusion of the discussion relative to the Commission's Work Program, it was the consensus of the Commission to adopt their April 2003 Work Program, as outlined by Mr. Jacobson.

E. DISCUSSION RELATIVE TO:

♦ **CHESAPEAKE BAY ORDINANCE AMENDMENTS UPDATE.**

Ms. Salvati updated the Commission as to the status of, and staff's recommendation for, the proposed

Chesapeake Bay Ordinance Amendments, noting the Chesapeake Bay Local Assistance Department (CBLAD) had extended the deadline to December 2003 to allow the County to revise its Chesapeake Bay Preservation Ordinance.

Upon conclusion of the discussion, the Commission requested staff provide a draft for discussion at the June 17, 2003, Work Session.

◆ **CONSTRUCTION RUNOFF POLLUTION UPDATE.**

Ms. Salvati distributed a handout from Mr. Tom Pakuar, Hands Across the Lake, addressing sedimentation issues in the Swift Creek Reservoir Watershed and provided the Commission with an updated action plan.

The Commission recessed at approximately 3:03 p. m. and proceeded to the Public Meeting Room for the Afternoon Session.

3:00 P. M. AFTERNOON SESSION

Mr. Gecker, Chairman, called the Afternoon Session to order at approximately 3:04 p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. APPROVAL OF PLANNING COMMISSION MINUTES:

Mr. Jacobson stated that the first order of business would be the consideration of the February 18, 2003, regularly scheduled Planning Commission meeting minutes and the February 21, 2003, Planning Commission Special Work Session minutes.

On motion of Mr. Gulley, seconded by Mr. Stack, the Commission resolved to approve the regularly scheduled February 18, 2003, Planning Commission minutes, as written.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

On motion of Mr. Gulley, seconded by Mr. Cunningham, the Commission resolved to approve the February 21, 2003, Planning Commission Special Work Session minutes, as written.

AYES: Messrs. Gecker, Cunningham, Gulley and Stack.

ABSTENTION: Mr. Litton, as he was not in attendance at the meeting.

C. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ **DEFERRAL.**

03PR0229: In Clover Hill Magisterial District, **SCB&T** requested deferral to May 20, 2003 of consideration for Planning Commission approval of a landscape plan and architecture, as required by Zoning Case 89SN0150. This project is commonly known as **SCB&T-WATERFORD**. This request lies in a Light Industrial (I-1) District on part of a 1.0 acre parcel fronting approximately 240 feet on the north line of Genito Road, also fronting approximately 85 feet on the east line of Charter Colony Parkway and located in the northeast quadrant of the intersection of these roads. Tax ID 729-688-Part of 8969 and Part of 9256 (Sheets 9 and 10).

Mr. Andy Scherzer, the applicant's representative, requested deferral of Case 03PR0229 to the May 20, 2003, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved to defer Case 03PR0229 to the May 20, 2003, Planning Commission public hearing.

On motion of Mr., seconded by Mr., the Commission resolved that approval for shall be and it thereby was granted, subject to the following conditions:

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

03PR0133: In Midlothian Magisterial District, **HOOD PROPERTIES** requested Planning Commission approval for architecture, as required by Zoning Case 88SN0202. This development is commonly known as **HOOD-BELGRADE**. This request lies in a Corporate Office (O-2) District on a 1.382 acre parcel fronting approximately 380 feet on the north line of West Huguenot Road, also lying approximately 240 feet from the intersection of Polo Place and Polo Parkway. Tax ID 742-715-3191 (Sheet 2).

Mr. Rick Hood, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Stack, the Commission resolved that approval for Case 03PR0133 shall be and it thereby was granted, subject to the following condition:

CONDITION

The building shall be constructed to match the elevations prepared by Freeman and Morgan Architects, dated February 26, 2003. Minor revisions to the elevations may be permitted, provided that revisions do not lessen the quality and detail of these elevations, and the overall Bellgrade architectural theme is maintained. Any revisions must be submitted to the Planning Department for review and approval prior to issuance of the building permit.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ **CASES WHERE THE APPLICANT DID NOT ACCEPT THE RECOMMENDATION AND/OR THERE WAS PUBLIC OPPOSITION OR CONCERN.**

03PW0247: In Midlothian Magisterial District, **THE GREAT BIG GREENHOUSE** requested Planning Commission approval of a development standards waiver to Section 19-514(d)(1) requiring paving and curb and gutter for a parking lot for a period of two (2) years. This project is commonly known as **THE GREAT BIG GREENHOUSE**. This request lies in a Community Business (C-3) District on a 9.31 acre parcel lying approximately 500 feet south of the intersection of Robious and West Huguenot Roads. Tax ID 740-713-9395 (Sheets 2 and 6).

Mr. Allen presented an overview of the request and staff's recommendation for denial.

Mr. Andy Scherzer, the applicant's representative, did not accept staff's recommendation, noting the property owners were requesting a two (2) year waiver to the parking lot standards for paving to utilize their Phase II parking area for employee and overflow parking, while only applying a gravel stone base. He added the parking area would be temporarily used during peak season times and remain vacant during off season periods, noting that if the area was utilized significantly in the future to justify paving, the applicant was agreeable to paving at the end of the two (2) year waiver period.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Stack, the Commission found Case 03PW0247, The Great Big Greenhouse (The Great Big Greenhouse), substantially complied with the five (5) factors of Section 19-19 of the County Code and resolved to recommend approval of a development standards waiver to Section 19-514(d)(1) of the Zoning Ordinance requiring paving for a period of two (2) years.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

03PW0248: In Matoaca Magisterial District, **ROBBIE URBINE** requested Planning Commission approval of a development standards waiver to Section ~~19-503(a)(2)~~**575** requiring screening of outside storage. This project is commonly known as **EAST COAST WOOD RECYCLING**. This request lies in a General Business (C-5) District on a 5.09 acre parcel fronting approximately 500 feet on the south line of Hull Street Road, approximately 1,270 feet east of Beaver Bridge Road. Tax ID 697-665-8340 (Sheet 22).

Mr. Allen presented an overview of the request and staff's recommendation for approval, including an addendum outlining an alternative option in the Review Comments.

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation, including the addendum, outlining an alternative option in the Review Comments.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission found Case 03PW024, Robbie Urbine (East Coast Wood Recycling), substantially complied with the five (5) factors of Section 19-19 of the County

Code and resolved to recommend approval of a development standards waiver to Section 19-575 of the Zoning Ordinance requiring screening of outside storage, subject to the following conditions and review comments:

CONDITIONS

1. This waiver shall apply only to the existing use as a business for sale of mulch, topsoil and other types of supplemental landscaping materials.
2. Landscaping based upon an approved landscape plan shall be installed by April 30, 2003.
3. A landscape plan, which accomplishes the following review comments, shall be submitted to the Planning Department for review and approval.

REVIEW COMMENTS

Revise the landscape plan as follows:

- a.) Leyland Cypress (or other evergreen tree approved by the Planning Department) with a minimum height of six (6) feet shall be planted within the front setback at ten (10) feet on center in each of two (2) rows. The two (2) rows shall be eight (8) feet apart with the trees staggered. This requirement is in addition to the required Perimeter landscaping C for deciduous trees and shrubs, but may be counted toward the evergreen tree requirements.

Alternate a.) Landscaping C with a single row of Leyland Cypress, 6 feet tall, and planted 10 feet on center with a 4-6 feet tall berm within the front setback.

- b.) Specify large deciduous trees within the front setback. (Bradford Pear are not considered large deciduous trees).

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

03PS0231: In Matoaca Magisterial District, **THE BREEDEN COMPANY** requested Planning Commission approval of an amendment to the existing schematic plan approved on June 21, 1988. The proposed plan shows three (3) retail buildings with approximately 49,000 total square feet, with three (3) additional out parcel sites. This development is commonly known as **WOODLAKE COMMONS SHOPPING CENTER**. This request lies in a Neighborhood Business (C-2) District on two (2) parcels, totaling 23.15 acres, fronting approximately 820 feet on the north line of Hull Street Road, also fronting approximately 750 feet on the west line of Woodlake Village Parkway and located in the northwest quadrant of the intersection of these roads. Tax IDs 719-671-6199 and 720-672-0614 (Sheet 15).

Mr. Litton declared a conflict of interest pursuant to the Virginia Conflict of Interest Act and excused himself from the meeting at approximately 3:21 p. m.

Mr. Allen presented an overview of the request and staff's recommendation for approval, including an addendum outlining amendments to Conditions 6 and 8.a.

Mr. David Warriner, the applicant's representative, accepted staff's recommendation, including the addendum outlining amendments to Conditions 6 and 8.a.

Mr. Gecker opened the discussion for public comment.

Ms. Terry Sheets, a resident of Woodlake Subdivision, voiced support for the request.

There being no one else to speak, Mr. Gecker closed the public comment.

There was discussion regarding the proposed revisions to the building architecture that were presented to staff just prior to the start of the hearing which pertained to the location and form of roofing and masonry materials proposed for the rear of the building.

The Commission recessed at approximately 3:36 p. m. to allow staff and the applicant's representative to confer with Ms. Sheets to ensure that the proposal, as presented, was agreeable to the Woodlake Community Association..

The Commission reconvened at approximately 3:45 p. m.

Mr. Allen, after conferring with Ms. Sheets and Mr. Warriner, read a revised version of Condition 8.a., which Ms. Sheets and Mr. Warriner indicated was acceptable.

On motion of Mr. Stack, seconded by Mr. Gulley, the Commission resolved that approval to amend the existing schematic plan to re-address issues of vehicular access, layout, architecture, pedestrian access, buffers and screening for Case 03PS0231, The Breeden Company (Woodlake Commons Shopping Center), shall be and it thereby was granted, subject to the following conditions:

CONDITIONS

1. Direct access to Route 360 shall be limited to one (1) entrance/exit opposite the existing crossover just west of the Woodlake Village Parkway intersection. The Route 360 crossover shall be modified or the site access in this location shall be constructed, as determined by the Transportation Department, to preclude vehicles exiting the site from traveling east on Route 360. The exact design of this improvement shall be approved by the Transportation Department. (T)
2. Direct access to Woodlake Village Parkway shall be limited to one (1) entrance/exit located approximately halfway between the Village Square Parkway and Route 360 intersections. The exact location of this access shall be approved by the Transportation Department. (T)
3. Direct access to Village Square Parkway shall be limited to one (1) entrance/exit at a location towards the western property line. The exact location of this access shall be approved by the Transportation Department. (T)

4. The developer shall be responsible for the following:
 - a. Construction of an additional lane of pavement along the entire property frontage of Route 360;
 - b. Construction of additional pavement to provide a separate right turn lane at the site access to Route 360, based on Transportation Department standards;
 - c. Construction of additional pavement to provide a left turn lane at the site access to Route 360;
 - d. Construction of additional pavement to provide a right turn lane at the site access to Woodlake Village Parkway, based on Transportation Department standards;
 - e. Construction of additional pavement to extend the left turn lane on northbound Woodlake Village Parkway at the intersection with Village Square Parkway; the exact length of this improvement shall be determined by the Transportation Department;
 - f. Construction of additional pavement to provide right and left turn lanes at the site access to Village Square Parkway, based on Transportation Department standards; and
 - g. Dedication, free and unrestricted to, and for the benefit of Chesterfield County, of any right of way or easements necessary for the above improvements. (T)
5. Prior to any site plan approval, a phasing plan for the road improvements identified in Condition 4 above must be submitted to, and approved by, the Transportation Department. (T)
6. In addition to the thirty (30) foot wide buffer required by zoning between non-residential and residential uses, an additional forty-five (45) feet of buffer area shall be provided along the western boundary adjacent to the existing Glen Ridge Subdivision, ~~and shall extend 150 feet south of the subdivision boundary.~~ **The resulting seventy-five (75) feet wide buffer shall extend 100 feet south of the subdivision boundary and end with an additional seventy-five feet radius return.** The purpose of the additional buffer area is to screen the loading areas from the adjacent residences. Existing vegetation shall be retained within the entire seventy-five (75) foot buffer area. Additional planting, up to two and one-half (2 ½) times perimeter landscape "C", may be required within the buffer area by the Planning Department as determined at the time of site plan review. (P)
7. The building square footage indicated on the schematic layout plan is not binding with approval of this plan. Square footage of buildings may increase or decrease as long as the general layout remains unchanged, and compliance with conditions of zoning and Ordinance requirements is maintained. (P)
8. Plans and elevations shall be submitted which accomplish the **following notes review comments:**
 - a. Revise the rear elevations of building 1 and 3 ~~to provide relief to the uninterrupted rear walls and to reflect residential character by include roof forms similar to the front elevations to show a pitched roof that is one half (1/2) the height of the front roof or higher if necessary to screen the mechanical equipment. The back side of the front roof shall be finished with residential siding.~~

- b. Revise brick and masonry colors to be consistent with the predominant brick color of existing adjacent non-residential structures in Woodlake. (P)

AYES: Messrs. Gecker, Cunningham, Gulley and Stack.
ABSENT: Mr. Litton.

D. FIELD TRIP AND DINNER.

◆ **FIELD TRIP SITE SELECTION:**

The Commission agreed to forego their field trip.

◆ **DINNER LOCATION:**

On motion of Mr. Stack, seconded by Mr. Gulley, the Commission resolved to meet for dinner at John Howlett's Tavern.

AYES: Messrs. Gecker, Cunningham, Gulley and Stack.
ABSENT: Mr. Litton.

Mr. Litton returned to the meeting at approximately 3:45 p. m.

E. ADJOURNMENT.

At approximately 3:50 p. m., Messrs. Litton, Gecker, Cunningham, Gulley, Stack and staff adjourned the meeting and departed the Executive Meeting Room, agreeing meet at John Howlett's Tavern for dinner at 5:00 p. m.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

7:00 P. M. EVENING SESSION

At approximately 7:00 p. m., Mr. Gecker, Chairman, called the Evening Session to order.

A. INVOCATION.

Mr. Gulley presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Colonel Steve Mifflin introduced members of the Meadowbrook JROTC who led the Pledge of Allegiance to, and presented the colors of, the Flag of the United States of America.

C. REVIEW MEETING PROCEDURES.

Mr. Jacobson apprised the Commission of the agenda for the next two (2) months. He stated that the April 15, 2003, agenda was comprised of twelve (12) cases and the May 20, 2003, agenda had a total of twelve (12) cases.

D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission reordered the agenda to move Case 03SN0201, Lanco Corporation to Item VIII, Deferral Requests by Individual Planning Commissioners.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

E. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ **REQUESTS FOR DEFERRAL BY APPLICANT.**

02SN0237: (Amended) In Dale and Matoaca Magisterial Districts, **ROPER BROTHERS LUMBER CO., INC. AND NASH ROAD/WOODPECKER ROAD, LLC** requested deferral to May 20, 2003, of consideration for rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-88) of 620.9 acres and proffered conditions on an existing zoned Residential (R-25) 872 acre tract. Residential use of up to 1.74 units per acre is permitted in a Residential (R-25) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1 to 5 acre lots, suited to R-88 zoning. This request lies on 1,492.9 acres fronting approximately 3,100 feet on the west line of Cattail Road, approximately 1,100 feet north of Reedy Branch Road; also fronting approximately 9,600 feet on the north line of Woodpecker Road, across from Cattail Road; also fronting approximately 5,000 feet on the south line of Woodpecker Road, approximately 3,500 feet east of Nash Road. Tax IDs 761-643-6618, 764-639-4424 and 768-646-Part of 4472 (Sheets 25 and 33).

Mr. Oliver D. "Skitch" Rudy, the applicant's representative, requested deferral to the May 20, 2003, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Stack, seconded by Mr. Litton, the Commission resolved to defer Case 02SN0237 to the May 20, 2003, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

02SN0238: In Matoaca Magisterial District, **DOUGLAS R. SOWERS** requested deferral to May 20, 2003, of consideration for amendment to Conditional Use Planned Development (Case 88S008) and amendment of zoning district map on part of property which is commonly known as Greenspring's A. E. Howard tract. Specifically, the applicant desires to develop this 136.3 acre tract as a single development from the originally-zoned 1,312.7 acre tract. In general, amendments are requested relative to the approved Master Plan, historic structures, provision of a golf course, road improvements, land dedications and reservations, utilities, drainage,

erosion and water quality. A mixed use development consisting of residential, office and commercial uses is planned. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use and single family residential use of 2.0 units per acre or less. This request lies in Residential (R-9) and Corporate Office (O-2) Districts on 136.3 acres fronting approximately 1,200 feet on the east line of Otterdale Road, approximately 2,900 feet south of Gamecock Road. Tax ID 718-691-6889 (Sheet 9).

Ms. Penny Koch, the applicant's representative, requested deferral to the May 20, 2003, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission resolved to defer Case 02SN0238 to the May 20, 2003, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

02SN0296: In Bermuda Magisterial District, **TED A. WILLIAMS AND THOMAS A. WILLIAMS AND GRACE M. WILLIAMS TRUST** requested deferral to June 17, 2003, of consideration for rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3) of 7.8 acres plus proffered conditions on 0.6 acres currently zoned Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use. This request lies on 8.4 acres fronting approximately 42.5 feet on the south line of East Hundred Road, approximately 300 feet east of Rivers Bend Boulevard. Tax IDs 815-651-6774; 815-652-6324, 6610, 6923, 7322, 7605, 7918, 8701, 8716 and 9515 (Sheet 27).

No one came forward to represent the request.

In response to a question from Mr. Cunningham, staff indicated there was a letter from the applicant on file requesting deferral to the June 17, 2003, Planning Commission meeting.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission resolved to defer Case 02SN0296 to the June 17, 2003, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ **REQUESTS FOR DEFERRAL BY INDIVIDUAL COMMISSIONERS.**

03SN0174: In Bermuda Magisterial District, **HARRISON BURT** requested rezoning and amendment of zoning

district map from Agricultural (A) to Residential (R-15). Residential use of up to 2.9 units per acre is permitted in a Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.5 units per acre or less. This request lies on 44.6 acres fronting approximately 850 feet on the west line of Ramblewood Drive, approximately 1,500 feet north of Enon Church Road. Tax ID 812-645-6725 (Sheet 35).

Mr. Harrison Burt, the applicant, stated he was agreeable to deferral of the request by Mr. Cunningham.

Mr. Cunningham stated he wished to defer the request to allow the affected parties an opportunity to review recently submitted proffered conditions, noting he felt any concerns or issues raised could be resolved within thirty (30) days.

There was no opposition to the deferral.

The following motion was made at Mr. Cunningham's request.

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission, on their own motion, resolved to defer Case 03SN0174 to the April 15, 2003, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

03SN0201: In Dale Magisterial District, **LANCO CORPORATION** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1 to 2.5 units per acre. This request lies on 46.4 acres fronting approximately 1,400 feet on the north line of Kingsland Road, also fronting approximately 1,570 feet on the east line of Salem Church Road and located in the northeast quadrant of the intersection of these roads. Tax ID 779-673-Part of 4929 (Sheet 18).

Mr. Litton stated he had not been aware until this evening of the number of people who had not had an opportunity to attend the recently scheduled community meeting and he felt deferral to the May 20, 2003, meeting would be appropriate so they could review the request and discuss any concerns with the applicant.

Mr. Andy Scherzer, the applicant's representative, stated he understood the need for, and was agreeable to, the deferral, noting he welcomed the opportunity to meet with the concerned citizens.

There was no opposition to the deferral.

The following motion was made at Mr. Litton's request.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission, on their own motion, resolved to defer Case 03SN0201 to the May 20, 2003, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

Mr. Litton left the meeting at approximately 7:15 p. m.

◆ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

03SN0208: In Matoaca Magisterial District, **BAYHILL DEVELOPMENT CORP.** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) of 1.1 acres plus an amendment to proffered conditions (Case 02SN0141) on an existing 23 acre Residential (R-12) tract. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2 units per acre or less. This request lies on 24.1 acres fronting approximately 290 feet on the east line of Otterdale Road, approximately 500 feet north of Broadmoor Road. Tax IDs 710-682-6321 and 711-681-Part of 1949 (Sheets 9 and 15).

Mr. Richard Minter, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission resolved to recommend approval of Case 03SN0208 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

- I. The following shall apply to that portion of the property being rezoned to R-12 (Tax ID 710-682-6321):
 1. Public water and wastewater systems shall be used. (U)
 2. In conjunction with recordation of the initial plat, forty-five (45) feet of right-of-way on the east side of Otterdale Road, measured from the centerline of that part of Otterdale Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
 3. To provide an adequate roadway system, the developer shall be responsible for the following improvements:
 - a) Construction of additional pavement along Otterdale Road at the approved access to provide left and right turn lanes, if warranted, based on Transportation Department standards.
 - b) Widening/improving the east side of Otterdale Road to an eleven (11) foot travel lane, measured from the centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, with modifications approved by the Transportation Department, for the entire property frontage.
 - c) Dedication to and for the benefit of Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. (T)

4. Prior to any construction plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 3, shall be submitted to and approved by the Transportation Department. (T)
5. All residential lots having sole access to Beckenham Subdivision shall have an average area of not less than 51,130 square feet. Such development shall not exceed a density of .77 lots per acre. (P)
6. Prior to the issuance of building permit for infrastructure improvements within the service district for the property, the applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield for each dwelling unit provided the foundation of the dwelling unit is totally within, or bisected by, the boundaries of Tax ID 710-682-6321:
 - a) \$9000 per dwelling unit, if paid prior to July 1, 2003: or the amount approved by the Board of Supervisors not to exceed \$9000 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building cost index between July 1, 2002 and July 1 of the fiscal year in which the payment is made after June 30, 2003.
 - b) In the event the cash payment is not used for the purpose for which proffered within 15 years of receipt, the cash shall be returned in full to the payer. (B&M)

(NOTE: Foundations of dwelling units bisected by the boundary of Tax ID 711-681-1949 are subject to the cash proffer of this case.) (B&M)

- II. The following shall apply to the existing R-12 property (Tax ID 711-681-part of 1949):
 1. To provide an adequate roadway system, the developer shall be responsible for the following:
 - a) Widening/improving the east side of Otterdale Road to an eleven (11) foot travel lane, measured from the centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, with modifications approved by the Transportation Department, for the entire property frontage. (T)

(Staff Note: Proffered Condition II.1. is in addition to the proffered conditions approved as part of Case 02SN0141.)

- III. The following shall apply to the existing R-12 property (Tax ID 711-681- part of 1949) and the proposed R-12 property (Tax ID 710-682-6321):
 1. Density shall not exceed two (2) units per acre. (P)

2. Direct access from the property to Otterdale Road shall be limited to one (1) public road. The exact location of this access shall be approved by the Transportation Department. (T)

(Staff Note: Proffered Conditions III.1. and III.2. supersedes Proffered Conditions 3 and 5 of Case 02SN0141.)

AYES: Messrs. Gecker, Cunningham, Gulley and Stack.
ABSENT Mr. Litton.

Mr. Litton returned to the meeting at approximately 7:21 p. m.

03SN0212: In Dale Magisterial District, **RCTC WHOLESALE CORPORATION d/b/a ALLTEL/DOMINION VA POWER (VEPCO)** requested Conditional Use and amendment of zoning district map to permit a communications tower. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0 to 2.5 units per acre. This request lies in an Agricultural (A) District on 0.1 acre fronting approximately 11 feet on the west line of Belmont Road, measured from a point approximately 285 feet from the north line of Drexelbrook Road. Tax ID 764-684-Part of 8175 (Sheet 11).

Mr. Dick Gibson, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 03SN0212, subject to the following conditions:

CONDITIONS

1. Any communications tower shall be co-located on existing utility structures. (P)
2. The tower and equipment shall be designed and installed so as not to interfere with the Chesterfield County Communications System. At the time of site plan review, the owner/developer shall submit information as deemed necessary by the Chesterfield County Communications and Electronics staff to determine if an engineering study should be performed to analyze the possibility of radio frequency interference with the County system, based upon tower location and height, and upon the frequencies and effective radiated power generated by tower-mounted equipment. Prior to release of a building permit, the study, if required, shall be submitted to, and approved by, the Chesterfield County Communications and Electronics staff. (GS)
3. The developer shall be responsible for correcting any frequency problems which affect the Chesterfield County Communications System caused by this use. Such corrections shall be made immediately upon notification by the Chesterfield County Communications and Electronics staff. (GS)

4. The color and lighting system for the tower shall be as follows:
 - a. The tower shall be gray or another neutral color, acceptable to the Planning Department.
 - b. The tower shall not be lighted. (P)
5. Any building or mechanical equipment shall comply with Section 19-595 and 19-570 (b) and (c) of the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment. (P)

(NOTE: The aforementioned Ordinance sections would require the screening of mechanical equipment located on the building or ground from adjacent properties and public rights of way. Screening would not be required for the tower or tower-mounted equipment.)
6. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ **CODE AMENDMENTS:**

◆ **REPLACEMENT OF NONCONFORMING MANUFACTURED HOMES.**



An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Sections 19-3 and 19-117 relating to replacement of nonconforming manufactured homes. This amendment will allow manufactured homes in existing manufactured home parks to be replaced per the Code of Virginia.



Mr. Barclay presented an overview of the proposed Code Amendment relating to replacement of nonconforming manufactured homes and staff's recommendation for approval of Exhibit B.

Mr. Cunningham presented a history of the development of the Manufactured Home Park/District Ordinances adopted by the Board of Supervisors in August 2001; General Assembly action in July 2002 which amended the Code of Virginia in a manner that significantly impacted important aspects of recent modifications to the MH-1 District portion of the Zoning Ordinance; and recent actions this year that further impacted the Ordinances. He expressed concern that if the Commission were to recommend approval of the proposed amendment, the process to go back and change the Ordinance would be lengthy, time-consuming and arduous and may be detrimental to the County's efforts to get the State Code modified. He stated he felt the Commission should forward the proposal to the Board of Supervisors with no amendments and request that it not be approved.

No one came forward to speak in favor of, or in opposition to, the proposed Code Amendment.

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission resolved to forward to the Board of Supervisors a recommendation of denial of the proposed Code Amendment relative to Manufactured Home Park (MH-1) Districts.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ **CREATION OF NEW COUNTY-WIDE STANDARDS FOR LANDSCAPING AND NEW STANDARDS FOR LANDSCAPED SETBACKS ALONG PORTIONS OF ROUTES 360 AND 10.**

◆ ◆ ◆

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Sections 19-105, 19-111, 19-225, 19-264, 19-505, 19-516 through 19-523, 19-582 through 19-584, 19-593, 19-601 and 19-602. These amendments would create new County-wide standards for landscaping and new standards for landscaped setbacks along portions of Route 360 and Route 10.

◆ ◆ ◆

Mr. Allen presented an overview of the proposed Code Amendment relating to landscape requirements, which included a PowerPoint presentation of major changes; a copy of the amended text of the Zoning Ordinance; and staff's recommendation.

Mr. Gecker opened the discussion for public comment.

Mr. Chris Andreano, President of the Chesterfield Chamber of Commerce, and Ms. Jennifer Bryant, Crime Prevention Through Environmental Design (CPTED) officer with the County Police Department, voiced support for the proposal. Mr. Andreano, however, indicated he had concerns relative to, and felt more work was needed on, BMP fencing requirements and costs pertaining to the installation of ornamental versus utilitarian fencing.

There being no one else to speak, Mr. Gecker closed the public hearing at approximately 7:44 p. m.

Mr. Gulley stated there were several elements of the proposal that he felt needed further definition and he suggested the Amendment be deferred to allow staff an opportunity to address/provide clarification relative to surety bonds, certification program, buffers in BMPs and ornamental versus utilitarian fencing requirements.

On motion of Mr. Gulley, seconded by Mr. Cunningham, the Commission resolved to defer their action on the proposed Code Amendment relative to landscape requirements to the April 15, 2003, Planning Commission meeting to allow staff an opportunity to address/provide clarification relative to surety bonds, certification program, buffers in BMPs and ornamental versus utilitarian fencing requirements.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

03SR0213: In Bermuda Magisterial District, **AMERICAN WASTE INDUSTRIES** requested renewal of a Conditional Use (Case 98SR0167) and amendment of zoning district map to permit a medical waste transfer station. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for industrial use. This request lies in a General Industrial (I-3) District on 1.4 acres and is known as 1306 Bellwood Road. Tax ID 798-677-Part of 3046 (Sheet 18).

Ms. Rogers presented an overview of the request and staff's recommendation.

Mr. Bob Earl, the applicant's representative, accepted staff's recommendation with the exception of Condition 1 relative to the refrigeration of medical wastes stored in trailers on the property. He addressed economic, financial and environmental impacts regarding the use of diesel engines to provide refrigeration for the storage of medical wastes as well as current requirements. He stated State regulations required refrigeration for wastes stored in excess of seven (7) days and asked that his request be revised to be consistent with State regulations.

There was discussion relative to the dating and/or disposal of the medical wastes; the frequency of rotating the trailers on the site; access to the site for inspection by the County; the applicant's willingness to provide copies of his manifests to the County to monitor his operation and whether or not this method would be effective; and other concerns.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Cunningham, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 03SR0213, subject to the following conditions:

CONDITIONS

1. A maximum of two (2) storage trailers shall be permitted on-site at any one (1) time. Medical wastes stored in these trailers shall be refrigerated at all times, maintained in an ambient temperature between thirty-five (35) and forty-five (45) degrees Fahrenheit. Facilities shall be restricted to those improvements necessary to accommodate medical waste transfer to, and temporary storage in, these trailers in accordance with State and County requirements. (P)
2. The medical waste transfer and storage facility shall be enclosed by a minimum six (6) foot high fence, designed to preclude trespassing. The exact design of this fence shall be approved by the Planning Department. (P)
3. All trucks and trailers containing medical waste shall be placarded to identify the contents under transport or in storage as medical waste. All containers of medical waste shall be labeled to identify the contents as medical waste. (ES)
4. A security plan shall be submitted every two (2) years for review and approval by the Police Department and, if deemed necessary, modified to insure that medical wastes are secured. (PD)
5. A notification and cleanup plan shall be submitted every two (2) years for review and approval by Emergency Services and, if necessary, modified to insure that medical waste spills are quickly and

safely cleaned and transported to an approved disposal facility. (ES)

6. The entrance to the site shall be posted to notify those entering the site that medical waste is stored on the site. Further, the fence shall be posted in a manner to provide notice that medical waste is stored on the site. The exact design and location of this posting shall be approved by the Planning Department and Emergency Services. (ES&P)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

03SN0173: In Matoaca Magisterial District, **PYRAMID SITE ACQUISITION SERVICES** requested Conditional Use Planned Development and amendment of zoning district map to permit a communications tower and exceptions to Ordinance requirements in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1 to 5 acre lots, suited to R-88 zoning. This request lies on 200.5 acres and is known as 12116 Beach Road. Tax ID 741-653-0802 (Sheet 24).

Mr. Clay presented an overview of the request and staff's recommendation for denial, noting the request neither complied with the Public Facilities Plan nor the Guidelines for Zoning Approval for Communications Tower Locations. He noted however that, based upon instructions from the Commission regarding pending amendments to the Guidelines, the request would comply with those proposals.

Ms. Lisa Murphy, the applicant's representative, did not accept staff's recommendation, noting the need for the tower to provide wireless service in the area; that the tower would be well-screened and buffered, would be located on a remote portion of the property and would be accessed from Beach Road. She further noted that the application had been amended to reduce the acreage and the actual site of the tower had been identified; therefore, she requested the Commission acknowledge withdrawal of 197.9 acres and approve the request.

Ms. Robin Critcher, an adjacent resident; Mr. Oliver Rudy, representing area property owners; and Ms. Sue Culpter, a Deer Run Subdivision resident, voiced support for the request.

Mr. Stack stated he was supportive of additional wireless service in the Matoaca District; felt strongly that such services were necessary to accommodate the continuing growth in this area of the County; and that there was an ongoing review of the County's Guidelines for Zoning Approval for Communications Tower Locations, which he felt would result in new policies being forthcoming.

On motion of Mr. Stack, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 03SN0173 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The property owner and applicant (the "Owner/Developer") for the referenced case, for themselves and their successors or assigns, proffer that development of the proposed telecommunications facility on the property known as Chesterfield County Tax ID 741-653-0802 with an address of 12116 Beach Road (the "Property") will be developed according to the following conditions if, and only if, the requested conditional use planned development for the proposed telecommunications tower and facility is approved by the Chesterfield County

Board of Supervisors. In the event the request is denied or approved with proffers or conditions not agreed to by the Owner/Developer, the proffers shall immediately be null and void and of no further force or effect.

1. The tower and associated improvements shall be generally located as depicted on the plan prepared by Draper Aden Associates known as Sprint PCS Comprehensive Site Plan, Site ID No. RI54XC020A, Bush Property, dated August 17, 2002. (P)
2. There shall be no signs permitted to identify this use. (P)
3. The base of the tower shall be enclosed by a minimum six (6) foot high fence, designed to preclude trespassing. The fence shall be placed so as to provide sufficient room between the fence and the property line to accommodate evergreen plantings having an initial height and spacing to provide screening of the base of the tower and accessory ground-mounted equipment or structures from adjacent properties. In conjunction with site plan submission, or prior to release of a building permit, whichever occurs first, a landscaping plan depicting this requirement shall be submitted to the Planning Department for review and approval. (P)
4. The tower and equipment shall be designed and installed so as not to interfere with the Chesterfield County Communications System. At the time of site plan review, the owner/developer shall submit information as deemed necessary by the Chesterfield County Communications and Electronics staff to determine if an engineering study should be performed to analyze the possibility of radio frequency interference with the County system, based upon tower location and height, and upon the frequencies and effective radiated power generated by tower-mounted equipment. Prior to release of a building permit the study, if required, shall be submitted to, and approved by, the Chesterfield County Communications and Electronics staff. (GS)
5. The developer shall be responsible for correcting any frequency problems which affect the Chesterfield County Communications System caused by this use. Such corrections shall be made immediately upon notification by the Chesterfield County Communications and Electronics staff. (GS)
6. The color and lighting system for the tower shall be as follows:
 - a. The tower shall be gray or another neutral color, acceptable to the Planning Department.
 - b. The tower shall not be lighted.
 - c. The tower shall be a monopole structure. (P)
7. Any building or mechanical equipment shall comply with Section 19-570 (b) and (c) and 19-595 of the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment. (P)

(NOTE: Section 19-570 (b) and (c) would require the screening of mechanical equipment located on the building or ground from adjacent properties and public rights of way. Screening

would not be required for the tower or tower-mounted equipment.)

8. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)
9. A minimum 100 foot buffer shall be maintained around the perimeter of the tower site. Except for access and utilities, which may be extended generally perpendicular through this buffer, existing healthy trees within this buffer having a minimum caliper of 2.5 inches shall be maintained. These trees shall be supplemented where necessary to minimize views of the tower and associated equipment from adjacent properties and public rights of way. Additional plantings shall consist of species of trees having an average minimum mature crown spread of greater than thirty (30) feet and a minimum caliper of 2.5 inches at the time of planting, to achieve a minimum density of one (1) tree for each 300 square feet of cleared area. In conjunction with site plan submission, or prior to release of a building permit, whichever occurs first, a landscaping plan depicting this requirement shall be submitted to the Planning Department for review and approval. (P)
10. In conjunction with the approval of this request, a forty-nine (49) foot exception to the 150 foot height limitation shall be granted. (P)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

F. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Litton, seconded by Mr. Cunningham, that the meeting adjourned at approximately 8:29 p. m. to April 15, 2003, at 12:00 Noon in the Executive Session Meeting Room of the Chesterfield County Government Complex.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

Chairman/Date

Secretary/Date